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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-487

13 **MYEONGSUN YE**  
21098 White Fir Court  
Cupertino, CA 95014

**ACCUSATION**

14 **Registered Nurse License No. 695363**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about January 12, 2007, the Board of Registered Nursing issued Registered  
23 Nurse License Number 695363 to Myeongsun Ye ("Respondent"). The Registered Nurse  
24 License was in full force and effect at all times relevant to the charges brought herein and will  
25 expire on November 30, 2014, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing ("Board"),  
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent  
3 part, that the Board may discipline any licensee, including a licensee holding a temporary or an  
4 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
5 Nursing Practice Act.

6 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
7 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
8 licensee or to render a decision imposing discipline on the license.

9 6. Section 118, subdivision (b), of the Code provides that the  
10 suspension/expiration/surrender and/or cancellation of a license shall not deprive the Board of  
11 jurisdiction to proceed with a disciplinary action during the period within which the license may  
12 be renewed, restored, reissued or reinstated.

#### 13 RELEVANT DISCIPLINARY STATUTES

14 7. Section 2761 of the Code states:

15 "The board may take disciplinary action against a certified or licensed nurse or deny an  
16 application for a certificate or license for any of the following:

17 "(a) Unprofessional conduct, ...

18 ...

19 "(f) Conviction of a felony or of any offense substantially related to the qualifications,  
20 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
21 conclusive evidence thereof."

22 ...

23 8. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
24 revoke a license on the ground that the licensee has been convicted of a crime substantially  
25 related to the qualifications, functions, or duties of the business or profession for which the  
26 license was issued.

#### 27 COST RECOVERY

28 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the

1 administrative law judge to direct a licentiate found to have committed a violation or violations of  
2 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
3 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
4 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
5 included in a stipulated settlement.

6 CAUSE FOR DISCIPLINE

7 (Unprofessional Conduct – Criminal Conviction)

8 10. Respondent is subject to disciplinary action for unprofessional conduct pursuant to  
9 Code section 2761(a) and (f), and Code section 490 based on the following:

10 a. On or about February 27, 2012, Respondent pled no contest to a violation of Penal  
11 Code section 415 (1) [Fighting in a public place and/or challenging another to a fight in a public  
12 place], a misdemeanor in the criminal case of *The People of the State of California v. Meyong Sun*  
13 *Ye*, Santa Clara County Superior Court Case No. C1108902. Respondent was placed on two (2)  
14 years probation, ordered to attend anger management classes and pay court imposed fines.

15 b. The circumstances regarding this conviction are as follows: On or about May 27,  
16 2011, Respondent went to a college preparatory examination business owned by J.S. in San Jose,  
17 California. Upon meeting with J.S., Respondent became verbally aggressive, at which point she  
18 was asked to leave the business. Respondent refused to leave and when J.S. attempted to call  
19 911, Respondent in turn attempted to grab her cell phone. She then began to hit J.S. in the face  
20 with a closed fist and kicked her in the legs. Respondent also tried to prevent J.S. from screaming  
21 for help once J.S. was outside of her office. The San Jose Police Department was called and  
22 Respondent was placed under arrest.

23 PRAYER

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
25 and that following the hearing, the Board of Registered Nursing issue a decision:

26 1. Revoking or suspending Registered Nurse License Number 695363, issued to  
27 Myeongsun Ye;

28 2. Ordering Myeongsun Ye to pay the Board of Registered Nursing the reasonable costs

1 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
2 section 125.3;

3 3. Taking such other and further action as deemed necessary and proper.

4 DATED: December 13, 2012

*Louise R. Bailey*  
5 LOUISE R. BAILEY, M.ED., RN  
6 Executive Officer  
7 Board of Registered Nursing  
8 Department of Consumer Affairs  
9 State of California  
10 *Complainant*

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